

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF MISSISSIPPI  
(ABERDEEN DIVISIONAL OFFICE)

IN RE:

CASE NUMBER: 18-11980-JDW

CHARLENE GARDNER ODOM

CHAPTER 13

DEBTOR

**MOTION TO LIFT STAY AND TO APPLY INSURANCE PROCEEDS**

AmeriCredit Financial Services, Inc. dba GM Financial ("Secured Creditor"), a creditor holding a secured claim, represents that:

1. This Court has jurisdiction over this proceeding and all parties hereto pursuant to 28 U.S.C., Sections 157 and 1334.

2. On May 22, 2018, Charlene Gardner Odom (the "Debtor") filed with this Court a voluntary petition under Chapter 13 of the Bankruptcy Code.

3. Secured Creditor is the holder of a Retail Installment Contract and Security Agreement ("Contract") executed by the Debtor on June 11, 2016, which granted a security interest to Secured Creditor in a 2016 Hyundai Sonata ("Vehicle"). A copy of the Contract is attached as Exhibit "A." As shown by the Certificate of Title attached as Exhibit "B," the Debtor is the owner of record of the Vehicle.

4. Upon information and belief, the Vehicle was involved in an accident and declared a total loss.

5. Secured Creditor has agreed to release the lien on the Vehicle in return for the insurance proceeds.

6. As of May 23, 2019, the Debtor owed Secured Creditor \$17,121.05 on its secured portion of its claim, plus interest accruing thereafter. The contractual balance owed is \$19,335.70.

7. The insurance proceeds total \$10,214.19, and Secured Creditor reserves its right to seek reimbursement for the unsecured portion of its claim, including any deficiency balance.
8. The Debtor has no equity in the Vehicle and, therefore, there is no cushion to protect against depreciation.
9. The Debtor has failed to provide other means of adequate protection.
10. Pursuant to 11 U.S.C. §362(d)(1), the Debtor's failure to provide adequate protection to the creditor's interest in the property is a cause for the granting of relief from the stay.

**WHEREFORE**, AmeriCredit Financial Services, Inc. dba GM Financial prays that the Court enter an order granting relief described as follows:

1. Termination of the automatic stay to allow Secured Creditor to foreclose on its interest in the above described property to receive the insurance proceeds; and/or
2. Authorization for the Debtor to surrender voluntarily the above described property to Secured Creditor; and/or
3. That Secured Creditor be allowed to apply the insurance proceeds, with any deficiency treated as all other general unsecured claims; and/or
4. That any order remain in effect regardless of conversion to another Chapter; and/or
5. For such other and further relief to which Secured Creditor may be entitled.

THE SUNDMAKER FIRM, L.L.C.

/s/ Gregory J. Walsh

GREGORY J. WALSH (#104344)

1027 Ninth Street

New Orleans, LA 70115

Telephone: (504) 568-0517

Fax: (504) 568-0519

greg@sundmakerfirm.com

**Attorney for Secured Creditor**

**CERTIFICATE OF SERVICE**

I certify that the foregoing has been served on all interested parties as listed below by depositing same in the U.S. Mail, postage prepaid, and/or by electronic mail this 29<sup>th</sup> day of May, 2019:

Locke D. Barkley  
6360 I-55 North  
Suite 140  
Jackson, MS 39211

United States Trustee  
501 East Court Street  
Suite 6-430  
Jackson, MS 39201

Gwendolyn Baptist-Rucker  
1305 Church Rd. E.  
P.O. Box 312  
Southaven, MS 38671

Charlene Gardner Odom  
739 Powell Street  
Coldwater, MS 38618

/s/ Gregory J. Walsh  
Gregory J. Walsh



## Notices

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# CERTIFICATE OF TITLE

Form 79-001-11-7-1-000

**STATE OF MISSISSIPPI**

**ORIGINAL**

VEHICLE IDENTIFICATION NUMBER	MAKE	YEAR	MODEL	BODY	TITLE NUMBER
5NPE24AF9GH421190	HYUN	2016	SSE	4D	H691383-01

TITLE DATE	DATE OF FIRST SALE FOR USE NEW ONLY	NO. CYL.	NEW / USED	TYPE OF VEHICLE	PASS. OR GVW
08182016	06112016	04	X	PASS	000

ODOMETER - TENTHS NOT INCLUDED

000010

ACTUAL MILEAGE

OWNER

**GARDNER CHARLENE**  
739 POWELL ST  
COLDWATER MS 38618

1ST LIENHOLDER (OR OWNER IF NO LIEN)

**AMERICREDIT FINANCIAL SERV**  
P O BOX 1510  
COCKEYSVILLE MD 21030

DATE:

MONTH    DAY    YEAR

06/11/2016

2ND LIENHOLDER

DATE:

MONTH    DAY    YEAR

LIEN SATISFACTION: THE UNDERSIGNED HOLDER OF ABOVE DESCRIBED LIEN(S) ON THE MOTOR VEHICLE DESCRIBED HEREON HEREBY ACKNOWLEDGES SATISFACTION THEREOF.

1ST LIEN \_\_\_\_\_ BY \_\_\_\_\_  
(LIENHOLDER)(SIGNATURE AND TITLE)

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20 \_\_\_\_\_

2ND LIEN \_\_\_\_\_ BY \_\_\_\_\_  
(LIENHOLDER)(SIGNATURE AND TITLE)

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20 \_\_\_\_\_



IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS

THE 18 DAY OF AUGUST 20 16

CONTROL NUMBER  
21372354

MISSISSIPPI DEPARTMENT OF REVENUE

*Heidi Frierson*

The Mississippi Department of Revenue hereby certifies that on application duly made, the person named herein is registered by this office as the lawful owner of the vehicle described subject to the liens or security interests as may subsequently be filed with the Mississippi Department of Revenue. This certificate of title is issued pursuant to the Mississippi Motor Vehicle Title Law Section 63-21-1, Mississippi Code of 1972, and subject to the provisions thereof.

VOID IF ALTERED

*KB*